

REMARKS

Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-30 are pending in the Application. Claims 20-27 were withdrawn from consideration as being directed to non-elected invention. Claims 28-30 have been added. Claims 1, 6, 18 and 19 have been amended herein merely to correct minor clerical errors and to clarify the claim language further. Amendments to these claims are not intended to narrow the scope of these claims in any way.

Claim rejections – 35 USC § 102

Claims 1-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sweatt et al. (U.S. Patent No. 6,469,827).

Claim 1 recites, *inter-alia*, “a grating spectral filter configured to pass said radiation of desired wavelengths to form a projection beam of radiation and to diffract said radiation of undesired wavelengths away from said radiation of desired wavelengths.”

Sweatt et al. discloses a flat mirror 118 having a diffraction grating. The diffraction grating of Sweatt et al. functions as a spectral filter so that only the 13.4 nm first order diffracted light passes aperture 124 (see col. 8, lines 50-55). Contrary to the grating spectral filter recited in claims 1 and 19 which is configured to pass radiation of desired wavelengths and to diffract radiation of undesired wavelengths away from the radiation of desired wavelengths, the spectral filter of Sweatt et al. diffraction the light of desired wavelength 13.4 nm so that only the first order diffracted light passes the aperture 124.

Consequently, for at least the above reason, Sweatt et al. does not disclose, teach or suggest, *inter-alia*, “a grating spectral filter configured to pass said radiation of desired wavelengths to form a projection beam of radiation and to diffract said radiation of undesired wavelengths away from said radiation of desired wavelengths,” as recited in claims 1 and 19.

Therefore, Applicants respectfully submit that claims 1 and 19, and claims 2-18 which depend directly or indirectly from claim 1 are patentable.

Furthermore, with regard to claim 3, contrary to the Office Action contention, Sweatt et al. does not disclose, teach or suggest a grating spectral filter having a blazing angle of less than about 2.5°. In col. 3, line 8, Sweatt et al. merely discusses that a concave mirror shapes a beam having a chord angle of about 0 to 60 degrees.

With regard to claim 5, contrary to the Office Action contention, Sweatt et al. does not disclose, teach or suggest that the grating spectral filter is a laminar grating. Figures 7-9 in Sweatt et al. merely show a grazing grating. There is no suggestion in the text or in the figures of Sweatt et al. of a laminar grating. In fact, Sweatt et al. only discusses grazing gratings.

With regard to claim 7, Sweatt et al. does not disclose, teach or suggest that the grating spectral filter is substantially formed of material that allows the radiation of the desired wavelengths to pass therethrough without substantially changing the radiation of desired wavelengths. In fact, in Sweatt et al. the radiation of desired wavelength is diffracted such that only a first order beam passes an aperture. Consequently, Sweatt et al. alters the radiation of desired wavelengths incident on the grating such that only the first order beam is selected to pass an aperture.

With regard to claim 8, contrary to the Office Action contention, Sweatt et al. does not disclose, teach or suggest that the grating spectral filter is substantially formed of a material having a refractive index close to unity at the desired wavelengths.

Therefore, Applicants respectfully submit that claims 3, 5, 7 and 8 are also patentable for the subject matter recited therein.

Thus, Applicants respectfully request that the rejection of claims 1-19 under § 102(e) be withdrawn.

Double Patenting

Claims 1-19 were rejected under the judicially created doctrine of double patenting over claims 1-18 and 21 of U.S. Patent No. 6,678,037.

A terminal disclaimer is being filed herewith under 37 C.F.R. 1.321 in order to advance prosecution. The filing of a terminal disclaimer with regard to claims 1-19 obviates the above rejection.

Claims 28-30 have been added. Support for the claims can be found throughout the initial disclosure, for example, in the detailed description of embodiments of the invention and the drawings.

Claims 28-30 are directly or indirectly dependent from claim 1. Therefore, for at least the reasons presented above with respect to claim 1, Applicants respectfully submit that claims 28-30 are patentable.

CONCLUSION

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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